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OLL 85-1638
14 June 1985

MEMORANDUM FOR: NIO/NARC

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C/PCS/DDO

STAT

FROM:


Legislation Division
Office of Legislative Liaison

STAT

SUBJECT: Request for Comments: "International
Narcotics Control Commission"

1. Attached for your review and comment please find a copy of a provision to create an "International Narcotics Control Commission". This provision was added by Senator Paula Hawkins as a floor amendment during Senate consideration of H.R. 2068, the authorization bill for the Department of State and related agencies. H.R. 2068 subsequently passed the Senate and the Senate has asked for a conference with the House to reconcile the differences between the two versions. The conference has not been scheduled as yet, but it will likely be in the near future.

2. On its face, the provision would appear to have no direct effect on intelligence activities. I do note, however, that the purposes of the Commission are, inter alia, to "monitor compliance with narcotics control treaties including...narco-terrorism" and "monitor...the United States Government...programs seeking to expand international cooperation against...narcotics trafficking".

3. The Commission is composed of representatives from the Executive and Legislative Branches and is vested with subpoena power.

4. I would appreciate receiving your comments by 21 June 1985.

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Attachment
as stated

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Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I have a question that I wish to ask of the distinguished manager or managers.

As I recall, the request for \$4 billion in humanitarian assistance for the Contras was initially made in the spring or summer a year ago. I believe that is correct.

My question is, if \$14 million was initially requested for the entire fiscal year 1985, which will have run its course as of September 30, this year, why is the same amount of money needed for the remainder of this fiscal year, keeping in mind that by the time this bill is finally enacted, only July, August, and September will remain in this fiscal year? Since \$14 million was originally requested for the whole year, why could not that amount of money be pro rata reduced for the remaining 3 months?

Mr. LUGAR. I would like to respond to the distinguished minority leader that indeed he is correct. The \$14 million originally contemplated for the fiscal year was passed over at the beginning of the year, and we would be through it by the time of the potential passage of this bill. Of course, the bill that the Senate passed last year had \$24 million for the fiscal year.

I think the only answer that can be given is the \$14 million originally is a relatively small sum, given the numbers of persons involved. The Contras may or may not be as many as 10,000 or 20,000. These are estimates that are often given by observers in the field. Divided by that number of persons or even a fraction of them, \$14 million for humanitarian assistance—food, clothing, shelter, and other aid of that variety—will be rapidly dissipated. The \$14 million, I presume, was not changed by the authors of the legislation largely because it has become a figure which is familiar to the Senate and the House, one which we have voted on in the past, and there was resistance, as the minority leader will recall, in the House to \$14 million.

I expect in a tactical sense the thought of going beyond that sum at this time now seems advisable as we get another revisiting of the problem, thinking about it for another year, with the sum increasing to \$24 million.

I think the direct answer is there is no technical reason for the \$14 million specifically for either the year or the 3 months. It simply is that that was the residue of the earlier debate taken up again and revisited on this occasion.

Mr. BYRD. Mr. President, I thank the distinguished manager of the bill. Can we get the information in the

Record before we vote? We should have something from the administration that would indicate why the original request for \$14 million for an entire year remains at \$14 million even after three-fourths of the fiscal year has gone by.

Mr. LUGAR. I will respond that I will make that request immediately to administration spokesmen. During the course of the afternoon, I am hopeful they might forward to us information that will give us a satisfactory answer.

Mr. BYRD. I thank the manager of the bill. I yield the floor.

Mr. LUGAR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HATFIELD). Without objection, it is so ordered.

Mr. LUGAR. Mr. President, I ask unanimous consent that the pending amendment, a second-degree amendment by Senator HELMS, be temporarily laid aside and that an amendment to be offered by the distinguished Senator from Florida, Senator HAWKINS, now be considered.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 829

(Purpose: To establish the International Narcotics Control Commission)

Mrs. HAWKINS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

Mr. LUGAR. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Indiana is recognized for a parliamentary inquiry.

Mr. LUGAR. Mr. President, would the Chair advise us to which amendments must be set aside so that the way is clear for Senator HAWKINS to offer her amendment?

The PRESIDING OFFICER. The amendments of the Senator from North Carolina, as well as the amendment being offered by the Senator from Idaho, have to be set aside in order to provide an opportunity for the Senator from Florida to present an amendment.

Mr. LUGAR. I thank the Chair.

Mr. President, I will ask unanimous consent that both of the amendments by the Senator from North Carolina [Mr. HELMS] and the amendment by the Senator from Idaho [Mr. SYMONS] be laid aside temporarily so that Senator HAWKINS might proceed with her amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Florida [Mrs. HAWKINS] proposed an amendment numbered 329.

Mrs. HAWKINS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 31, after line 23, insert the following:

TITLE VI—MISCELLANEOUS PROVISIONS

INTERNATIONAL NARCOTICS CONTROL COMMISSION

SEC. 601. (a) There is established the International Narcotics Control Commission (hereafter in this section referred to as the "Commission").

(b) The Commission is authorized and directed—

(1) to monitor and promote international compliance with narcotics control treaties, including eradication, money laundering, and narco-terrorism; and

(2) to monitor and encourage United States Government and private programs seeking to expand international cooperation against drug abuse and narcotics trafficking.

(c)(1) The Commission shall be composed of twenty-two members as follows:

(A) Seven Members of the House of Representatives appointed by the Speaker of the House of Representatives. Four members shall be selected from the majority party and three shall be selected, after consultation with the minority leader of the House, from the minority party.

(B) Seven Members of the Senate appointed by the President of the Senate. Four members shall be selected from the majority party of the Senate, after consultation with the majority leader, and three shall be selected, after consultation with the minority leader of the Senate, from the minority party.

(C) One member of the Department of State appointed by the President.

(D) One member of the Department of Justice appointed by the President who shall be the Attorney General.

(E) One member of the Department of the Treasury appointed by the President.

(F) Five members of the public to be appointed by the President after consultation with the members of the appropriate congressional committees.

(2) There shall be a Chairman and a Co-chairman of the Commission.

(3) On the date of enactment of this section and at the beginning of each odd-numbered Congress, the President of the Senate, on the recommendation of the majority leader, shall designate one of the Senate Members as Chairman of the Commission. At the beginning of each even-numbered Congress, the Speaker of the House of Representatives shall designate one of the House Members as Chairman of the Commission.

(4) At the beginning of each odd-numbered Congress, the Speaker of the House of Representatives shall designate one of the House Members as Cochairman of the Commission. At the beginning of each even-numbered Congress, the President of the Senate, on the recommendation of the majority leader, shall designate one of the Senate Members as Cochairman of the Commission.

(d) In carrying out this section, the Commission may require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as it deems neces-

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ary. Subpoenas may be issued over the signature of the Chairman of the Commission or any member designated by him, and may be served by any person designated by the Chairman or such member. The Chairman of the Commission, or any member designated by him, may administer oaths to any witness.

(e) In order to assist the Commission in carrying out its duties, the President shall submit to the Commission a semiannual report regarding the status of compliance with narcotics control treaties, the first one to be submitted six months after the date of enactment of this section.

(f) The Commission is authorized and directed to report to the House of Representatives and the Senate with respect to the matters covered by this section on a periodic basis and to provide information to Members of the House of Representatives and the Senate as requested. For each fiscal year for which an appropriation is made the Commission shall submit to the Congress a report on its expenditures under such appropriation.

(g)(1) There are authorized to be appropriated to the Commission for each fiscal year and to remain available until expended \$550,000 to assist in meeting the expenses of the Commission for the purpose of carrying out the provisions of this section, such appropriation to be disbursed on a voucher to be approved by the Chairman of the Commission.

(2) For purposes of section 502(b) of the Mutual Security Act of 1954, the Commission shall be deemed to be a standing committee of the Congress and shall be entitled to the use of funds in accordance with such sections.

(3) Not to exceed \$6,000 of the funds appropriated to the Commission for each fiscal year may be used for official reception and representational expenses.

(h) The Commission may appoint and fix the pay of such staff personnel as it deems desirable, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 51 of such title relating to classification and general schedule pay rates.

Mrs. HAWKINS. Mr. President, this amendment authorizes the Department of State to establish the International Narcotics Control Commission.

No threat strikes America more frequently nor more gravely than the threat of illegal narcotics. It makes its use felt in our homes, failed education, lower productivity, impaired national defense, increased violent crime, addiction, and, yes, death.

To combat this threat effectively, we must use a three-pronged approach: we must eradicate, we must educate, and we must cut off drugs at the source. In order to achieve the eradication of drug abuse in our Nation, we must fight the battle against illicit narcotics simultaneously on all three fronts, and in so doing we must use every weapon at our disposal.

A most useful weapon, using as an example the highly successful Helsinki Commission, would be an International Narcotics Control Commission, designed to monitor and promote international compliance with narcotics control treaties, including those involving eradication, money laundering and terrorism. This Commission would

also monitor and encourage U.S. Government and private programs seeking to expand international cooperation against drug abuse and narcotics trafficking.

The composition of the Commission would be as follows: seven Members of the House of Representatives appointed by the Speaker, four of whom would be from the majority party, and three of whom would be from the minority party; seven Members of the Senate appointed by the President of the Senate, again, with four being from the majority party, and three from the minority party; one member of the Department of State appointed by the President; one member of the Department of Justice appointed by the President; one member of the Department of the Treasury appointed by the President. There would also be private sector representation on the International Narcotics Control Commission, with five members of the public to be appointed by the President after consultation with the members of the appropriate congressional committees. There would be, of course, a Chairman and a Cochairman of the Commission.

A rotating system would be established for the designation of the Chairman of the International Narcotics Control Commission, with the President of the Senate designating one of the Senate Members as Chairman in even-numbered Congresses, and the Speaker of the House designating one of the House Members as Chairman during odd-numbered Congresses. The Commission would also be provided with subpoena power.

The President of the United States will participate in the activities of the Commission by submitting a semiannual report with regard to the status of international compliance with narcotics control treaties, the initial report to be submitted 6 months after the date of enactment of this proposal. In turn, the Commission is authorized and directed to report to the Congress on a periodic basis, and at the end of each fiscal year the Commission will submit to the Congress a report on its expenditures.

Mr. President, a well-structured and well-supported entity such as the International Narcotics Control Commission would be of invaluable assistance in the battle against drug abuse. Enactment of this legislation would provide an international forum for consideration of narcotics control efforts worldwide, and would enable my colleagues in the U.S. Congress to express their concern in this most vital of issues. Mr. President, as we all work together to achieve the eradication of drug abuse, I wish to take this opportunity to urge speedy adoption of this amendment.

WE NEED AN INTERNATIONAL NARCOTICS CONTROL COMMISSION

Mr. DeCONCINI. Mr. President, I rise in support of an amendment offered by the distinguished Senator

from Florida, Senator HAWKINS, and urge its adoption today.

Mr. President, this amendment is probably long, long overdue. The narcotics smuggling problem and drug abuse problem in this country is an international disgrace and needs an international solution. The amendment of the Senator from Florida would take the first step in the direction of monitoring what international remedies might be available to stemming the tide of drugs from foreign countries into the United States. By establishing an international "watch dog" commission to monitor and promote international compliance with narcotics control treaties, we will be assured that more than casual review of international drug control programs will be brought to bear. Furthermore, the Hawkins amendment will help to assure that the United States and all foreign countries who suffer from the drug plague, will work together to craft multilateral agreements to combat drug abuse and narcotics trafficking.

Mr. President, our efforts to force foreign drug source countries to crack down on the drug trafficker have been mixed. On the one hand, we see a country like Colombia finally getting tough on the drug trafficker in that major producer of cocaine and marijuana. On the other hand, we see countries like Peru and Bolivia virtually paralyzed by the narcotics trade and unable to make anything more than a dent in the flow of drugs out of those South American countries. Add to these the continuing role of the Bahamas, Jamaica, and Belize as major transshipment countries for drug trafficking, and it is clear that we need a more cohesive, international policy in our war on drugs. Hopefully, the International Narcotics Control Commission that would be established by this amendment will bring the drug source, drug transshipment, and drug consumer nations together in a common goal to rid the world of the drug poison that is killing our citizens and threatening the lives of our children in schools, on the playground, and in the home.

Mr. President, I am pleased to be a cosponsor of this amendment. It is an idea whose time has come. On the one side of our war on drugs we are making great progress in drug interdiction by beefing up our civilian and military interdiction capabilities. On May 21, the Senate passed my amendment to the defense authorization bill, establishing for the first time in history, a peacetime drug interdiction capability within the Department of Defense. The Customs Service has done a good job of beefing up its interdiction capabilities, as has the Coast Guard. However, on the other hand, our ability to move foreign governments to match the resolve of the United States in attacking the drug smuggler, has been less successful. The Commission

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established in this amendment may be the catalyst that allows us to turn the corner in the crucial international arena to halt drug abuse and drug trafficking.

Mr. President, I urge the adoption of the amendment and applaud Senator HAWKINS for her initiative and persistence in this matter.

Mr. BIDEN. Mr. President, I support the concept of an International Narcotics Control Commission to encourage cooperation on the important issue of international narcotics control. Five years ago in my report entitled, "The Sicilian Connection: Southwest Asian Heroin En Route to the United States" I stressed the need for greater bilateral and multinational cooperation in dealing with the international problem of drug abuse. My report clearly stated the need to bring this tragic issue to a higher level of international concern. Therefore, in this context I believe the Commission could provide a very useful service.

There are several issues that I would like to be considered as part of the legislative record on this amendment that will not be directly reflected in the statutory language. With regard to the membership of the Commission, I believe it is essential that the congressional Members be chosen based on their committee assignments and expertise on foreign relations and international narcotics matters. This should certainly be the case with regard to the Chairman and Cochairman. Additionally, if the Commission is to truly serve a useful purpose in the international community, the five public members should be known experts/leaders in this subject area and not political appointments made simply to pay off some favor. These individuals should be recognized throughout the international community for their work in promoting bilateral and multilateral cooperation in stemming drug abuse and narcotics trafficking throughout the world.

It is equally important that the proposed member from the Department of Justice be the Attorney General, which, under legislation included in the crime package last year, makes him the Chairman of the National Drug Enforcement Policy Board. His role as Chairman of this Board is to serve as the individual Congress and the American people will look to as the primary adviser to the President and Congress on national and international antidrug programs. I am glad that the Senator from Florida agrees that he be a member of this Commission.

It is important that the activities of this Commission reflect a consistent position of the Congress and particularly those congressional committees most responsible for oversight of narcotics enforcement and international drug trafficking. It would be extremely damaging to our international drug abuse strategy if the Commission was viewed as duplicative or sending mixed

signals abroad as to the U.S. drug policy.

I do believe that the Commission can provide a stronger voice in the international community on the issue of drug abuse. However, I would hope that in the final agreement reached in the House and Senate conference, that these concerns shared by myself and others be considered.

Mr. LUGAR. Mr. President, I commend the distinguished Senator from Florida for this amendment and equally for the strong and vigorous leadership she has given in the fight against drug abuse in this country and internationally. She has been outspoken, she has been courageous and, in my judgment, she has been highly effective.

This amendment, once again, extends that record of service. On our side, we are prepared to accept the amendment.

Mr. PELL. Mr. President, I join in commending the Senator from Florida on this amendment. This commission could be exceptionally useful. I am very glad, indeed, to join in supporting it.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 329) was agreed to.

Mr. LUGAR. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mrs. HAWKINS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TECHNICAL CORRECTION TO AMENDMENT NO. 311

Mr. LUGAR. Mr. President, I ask unanimous consent that a technical correction be made to amendment No. 311, sponsored by the distinguished Senator from New York (Mr. D'AMATO). This amendment was to increase the total authorization for USIA and then earmark the increase for the specific purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 311), as modified, reads as follows:

On page 1, line 1, of the Welcker Amendment No. 294, as amended, change the dollar amount to \$537,623,000.

At the end of the bill, insert:

SUPPLEMENTAL AUTHORIZATION FOR INTERNATIONAL GAMES

Sec. —. Of the funds authorized to be appropriated for fiscal year 1986 by section 202(a), \$3,000,000 shall be available only to reimburse expenses associated with the XV World Games for the Deaf, the Fifth National Amputee Championship, and the 1985 National Cerebral Palsy/Les Autres Games.

TECHNICAL CORRECTION TO AMENDMENT NO. 300

Mr. LUGAR. Mr. President, I ask unanimous consent that a technical change be made to amendment No. 300, sponsored by the distinguished Senator from Florida (Mrs. HAWKINS) to conform it to the unanimous-consent agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

The technical change reads as follows:

In Amendment 300, on page 12, line 21, delete the "(1)" inserted after "a", and strike "(2)(a)" through "Marti program."

Mr. LUGAR. In removing the congressional findings section from amendment No. 300, we are merely hailing the amendment to a funding earmark, with no prejudice to the substance of those findings or criticism of the program. Indeed, in making this earmark, Congress is increasing the funds available to the program.

Mr. PELL. That is correct.

Mrs. HAWKINS. That is correct.

I wish to commend and endorse the decision of the President to begin broadcasting the Radio Marti Program on May 20, 1985. It gives the people of Cuba a reliable alternative to the Government-sponsored propaganda of the Castro regime. As we know, the purpose of the legislation that created the Radio Marti Program was to promote the cause of freedom in Cuba by broadcasting accurate and objective programming into Cuba.

Mr. LUGAR. I too wish to commend the President's decision to begin broadcasting the important Radio Marti Program, and to commend as well the distinguished Senator from Florida for her diligent efforts on its behalf.

AMENDMENT NO. 325

Mr. LUGAR. Yesterday, the Senate agreed to amendment No. 325, sponsored by the distinguished Senator from New Mexico (Mr. DOMENICI). I wish to propound a question concerning the sponsor's intention in offering the amendment. Mr. President, as I understand the amendment concerning exchanges and grants in Latin America, Central America and the Caribbean, the intention is to earmark funds for grants and exchanges in that part of the world. The earmark is based on the congressional budget presentation, and includes funding for the Fulbright Graduate Program and the International Visitors Program as well as for the Central American Undergraduate Scholarship Program. Is that the intention of the sponsor?

Mr. DOMENICI. Mr. President, that is my intention.

Mr. LUGAR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. Mr. President, I ask unanimous consent that the two amendments by the distinguished Senator from North Carolina, Senator HELMS, be temporarily set aside, that consideration might recur on the